

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EDWIN BROWN,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

23-CV-0635 (LTS)

TRANSFER ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner Edwin Brown, who was convicted in *United States v. Brown*, No. 17-CR-0710-02 (KPF) (S.D.N.Y.), is currently on supervised release in the Southern District of Florida. He brings this *pro se* petition for a writ of *habeas corpus*, pursuant to 28 U.S.C. § 2241, challenging the calculation of his earned time credit under the First Step Act. For the following reason, this petition is transferred to the United States District Court for the Southern District of Florida.

In order to entertain a *habeas corpus* petition under Section 2241, a court must have jurisdiction over the petitioner's custodian. *See Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 494-95 (1973) (writ of *habeas corpus* does not act upon the prisoner who seek relief, but upon his or her custodian). Thus, venue of a *habeas* petition challenging a petitioner's physical confinement generally lies in the district of his confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 442 (2004). Petitioner is currently on supervised release in the Southern District of Florida. Therefore, in the interest of justice, this Court transfers this petition to the United States District Court for the Southern District of Florida. *See* 28 U.S.C. § 1406(a).

CONCLUSION

The Clerk of Court is directed to transfer this action to the United States District Court for the Southern District of Florida. Whether Petitioner should be permitted to proceed further

without payment of fees is a determination to be made by the transferee court.<sup>1</sup> This order closes the case in this district.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 30, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge

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<sup>1</sup> Petitioner has not yet paid the \$5.00 filing fee or submitted an application to proceed *in forma pauperis*.